

Amendment No. 2 to HB3124

Stewart
Signature of Sponsor

AMEND Senate Bill No. 2638*

House Bill No. 3124

by adding the following as a new subdivision (c)(2) and by redesignating the current subdivisions accordingly:

- (2) Notwithstanding the provisions of subsections (a) and (b), in a civil proceeding, where a trial court denies a motion to dismiss that was filed pursuant to Rule 12 of the Tennessee Rules of Civil Procedure, the court shall award the party or parties against whom the motion was filed the costs and reasonable and necessary attorney's fees incurred in the proceedings, as a consequence of the motion to dismiss being filed. The awarded costs and fees shall be paid by the party or parties whose motion to dismiss was denied.

AND FURTHER AMEND by deleting the language "dismissed claims," in the current subdivision (c)(2), and by substituting instead the language "dismissed claims or the motion to dismiss,".

AND FURTHER AMEND by deleting the word "granting" in the current subdivision (c)(3) and by substituting instead the language "grant or denial".